IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTY FIRST DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 6472 of 2004

Between:

Ravi High School, Nizamabad rep.by K.M.Mahender Reddy,
President, Subash Nagar, Nizamabad.

..... PETITIONER

AND

1 Regional Provident Fund Organisation, rep.by Asst.Provident Fund Commissioner, Nayalkal Road, Nizamabad.
2 Provident Fund Inspector / Enforcement Officer-I, Nayalkal Road, Nizamabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ of Certiorari or any other Writ calling for the records of the Ist respondent in No.AP/SRO/NZB/Enf/7A/34057/2004/2979 dated 3-3-2004 including the ex-parte coverage dated 7-10-1999, report dated 26-2-2004 as illegal, arbitrary, unjust, unreasonable, without jurisdiction, opposed to public policy, violative of Fundamental Rights guaranteed under Article 14 and 21 of Constitution of India and also violative of principles of natural justice and quash the same with costs.

Counsel for the Petitioner: MR.V.TULASI REDDY

Counsel for the Respondents : MR.R.N.REDDY

The Court made the following :

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.6472 OF 2004

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ORDER:

Ravi High School, Nizamabad, assails the order of the Assistant Provident Fund Commissioner, Nizamabad determining the arrears of Employees' Provident Fund under Section 7A of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (the Act, for brevity) and the Employees' Pension Scheme, 1995. Various grounds are urged in the writ petition to assail the impugned order. This Court while admitting the writ petition on 06.04.2004 passed interim order in W.P.M.P.No.8389 of 20004 suspending the order dated 03.03.2004 subject to the condition of the petitioner depositing half of the amount demanded in the impugned order dated 03.03.2004 with a period of six weeks therefrom. Though the interlocutory matters are listed, this order disposes the writ petition with the consent of both the learned counsel.

Having regard to the fact that against the orders passed by the Assistant Provident Fund Commissioner, the petitioner has effective alternative remedy under Section 7-I of the Act, this Court is not inclined to go into these questions at this stage. It is also brought to the notice of this Court by the learned counsel for the petitioner that after receiving the impugned order, the petitioner has paid fifty per cent of the amount demanded. If that be so, nothing prevents the petitioner to approach the Appellate Tribunal, New Delhi, against the impugned order. The petitioner is directed to approach the Appellate Tribunal within two weeks from the date of receipt of copy of the order. Till the petitioner obtained appropriate orders, no coercive action shall be taken against the petitioner.

The writ petition is accordingly disposed of.

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(V.V.S.RAO,J)

31.08.2004

Pln

Note: Issue certified copy by Tuesday

i.e.07.09.2004.

(By order)

pln

To

1 Assistant Provident Fund Commissioner, Regional Provident Fund

Organisation, Nayalkal Road, Nizamabad.

2 Provident Fund Inspector / Enforcement Officer-I, Nayalkal Road, Nizamabad.

3 2 CD copies.

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